

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WADE K. MARLER, DDS, *et al.*,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE  
COMPANY,

Defendant.

No. 2:20-cv-00616-BJR

**STIPULATION AND ORDER  
GRANTING PLAINTIFFS'  
UNOPPOSED MOTION TO FILE A  
SINGLE OMNIBUS REPLY IN  
SUPPORT OF MOTION TO  
CERTIFY QUESTIONS TO THE  
WASHINGTON STATE SUPREME  
COURT**

KARA MCCULLOCH DMD MSD PLLC, *et al.*,

Plaintiffs,

v.

VALLEY FORGE INSURANCE  
COMPANY, *et al.*,

Defendants.

No. 2:20-cv-00809-BJR

CABALLERO,

Plaintiff,

v.

MASSACHUSETTS BAY INSURANCE  
COMPANY,

Defendant.

No. 3:20-cv-05437-BJR

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 1

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

CHORAK, *et al.*,

Plaintiffs,

v.

HARTFORD CASUALTY INSURANCE  
COMPANY, *et al.*,

Defendants.

No. 2:20-cv-00627-BJR

PACIFIC ENDODONTICS, P.S., *et al.*,

Plaintiffs,

v.

OHIO CASUALTY INSURANCE  
COMPANY, *et al.*,

Defendants.

No. 2:20-cv-00620-BJR

NGUYEN, *et al.*,

Plaintiffs,

v.

TRAVELERS CASUALTY INSURANCE  
COMPANY OF AMERICA, *et al.*,

Defendants.

No. 2:20-cv-00597-BJR

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 2

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

LA COCINA DE OAXACA LLC,

Plaintiff,

v.

TRI-STATE INSURANCE COMPANY OF  
MINNESOTA,

Defendant.

No. 2:20-cv-01176-BJR

MARK GERMACK DDS, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

THE DENTISTS INSURANCE COMPANY,

Defendant.

No. 2:20-cv-00661-BJR

CADECEUS LLC d/b/a CAFE RACER,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

SCOTTSDALE INSURANCE COMPANY,

Defendant.

No. 2:21-cv-00050-BJR

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 3

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

**PLAINTIFFS' UNOPPOSED MOTION TO FILE A SINGLE OMNIBUS REPLY IN  
SUPPORT OF MOTION TO CERTIFY QUESTIONS TO THE WASHINGTON STATE  
SUPREME COURT**

In order to increase efficiencies for the parties and the Court, Plaintiffs in the above-captioned matters respectfully move this Court to allow them to file a single omnibus reply brief of no more than 15 pages in response to Defendants' oppositions to Plaintiffs' Motion to Certify Questions to the Washington State Supreme Court (the "Opposition Motions"). Plaintiffs have conferred with counsel for Defendants and they do not oppose this request.

In support of this motion, Plaintiffs hereby state as follows:

1. On February 18, 2021, Plaintiffs filed their Motion to Certify Questions to the Washington State Supreme Court ("the Omnibus Motion") in the above-captioned *Marler, McCulloch, Caballero, Chorak, Pacific Endodontics, Nguyen, Germack, and La Cocina de Oaxaca* actions.

2. On March 10, 2021, Plaintiff Cadeceus LLC filed a substantively-identical Motion to Certify Questions to the Washington State Supreme Court (the "Cadeceus Motion") in the above-captioned matter.

3. On March 25, 2021, Defendants responded to the Omnibus Motion by filing a 30-page Omnibus Opposition. Plaintiffs' reply to this Omnibus Opposition is due April 8, 2021.

4. On March 31, 2021, Scottsdale Insurance Company responded to the Cadeceus Motion by filing a 5-page opposition, which, among other things, incorporated by reference the arguments and citations in the March 25, 2021 Omnibus Opposition. Plaintiffs' reply to Scottsdale's opposition is due by April 14, 2021.

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 4

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

6. Plaintiffs will file their single omnibus reply to both oppositions by April 8, 2021.

7. Defendants do not oppose Plaintiffs' request to respond to their oppositions by April 8, 2021 with a single omnibus reply brief that is limited to 15 pages.

**Now, therefore,** Plaintiffs’ request, which Defendants do not oppose, to file an omnibus reply brief limited to 15 pages should be granted.

## ORDER

**IT IS SO ORDERED.**

DATED this 5th day of April, 2021.

Barbara J. Rothstein

Barbara J. Rothstein  
UNITED STATES DISTRICT JUDGE

Presented By:

DATED this 2nd day of April, 2021

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 5

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

**KELLER ROHRBACK L.L.P.**

By: s/ Amy Williams-Derry

By: s/ Lynn L. Sarko

By: s/ Gretchen Freeman Cappio

By: s/ Ian S. Birk

By: s/ Irene M. Hecht

By: s/ Gabriel Verdugo

By: s/ Nathan L. Nanfelt

Amy Williams-Derry, WSBA #28711

Lynn Lincoln Sarko, WSBA #16569

Gretchen Freeman Cappio, WSBA #29576

Ian S. Birk, WSBA #31431

Irene M. Hecht, WSBA #11063

Gabriel Verdugo, WSBA #44154

Nathan Nanfelt, WSBA #45273

1201 Third Avenue, Suite 3200

Seattle, WA 98101

Telephone: (206) 623-1900

Fax: (206) 623-3384

Email: [awilliams-derry@kellerrohrback.com](mailto:awilliams-derry@kellerrohrback.com)

Email: [lsarko@kellerrohrback.com](mailto:lsarko@kellerrohrback.com)

Email: [gcappio@kellerrohrback.com](mailto:gcappio@kellerrohrback.com)

Email: [ibirk@kellerrohrback.com](mailto:ibirk@kellerrohrback.com)

Email: [ihecht@kellerrohrback.com](mailto:ihecht@kellerrohrback.com)

Email: [gverdugo@kellerrohrback.com](mailto:gverdugo@kellerrohrback.com)

Email: [nnanfelt@kellerrohrback.com](mailto:nnanfelt@kellerrohrback.com)

By: s/ Alison Chase

Alison Chase, *pro hac vice* forthcoming

801 Garden Street, Suite 301

Santa Barbara, CA 93101

Telephone: (805) 456-1496

Fax: (805) 456-1497

Email: [achase@kellerrohrback.com](mailto:achase@kellerrohrback.com)

*Attorneys for Plaintiffs Nguyen et al., Pacific Endodontics, et al., Chorak et al., Marler et al., McCulloch, et al., Caballero, La Cocina de Oaxaca LLC, Owens Davies, P.S., Mark Germack DDS, The Seattle Symphony Orchestra, and Cafe Racer*

**OWENS DAVIES, P.S.**

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 6

**KELLER ROHRBACK L.L.P.**

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

By: s/ Matthew B. Edwards  
Matthew B. Edwards, WSBA #18332  
1115 West Bay Drive, Suite 302  
Olympia, WA 98502  
Telephone: (206) 203-1900  
Email: [medwards@owensdavies.com](mailto:medwards@owensdavies.com)

***Attorneys for Plaintiff Owens Davies, P.S.***

**RUIZ & SMART PLLC**

By: s/ William C. Smart  
By: s/ Isaac Ruiz  
By: s/ Kathryn M. Knudsen  
William C. Smart, WSBA #8192  
Isaac Ruiz, WSBA #35237  
Kathryn M. Knudsen, WSBA #41075  
1200 5<sup>th</sup> Avenue, Suite 1220  
Seattle, WA 98101  
Telephone: (206) 203-1900  
Email: [wsmart@plaintiffllit.com](mailto:wsmart@plaintiffllit.com)  
Email: [iruiz@plaintiffllit.com](mailto:iruiz@plaintiffllit.com)  
Email: [kknudsen@plaintiffllit.com](mailto:kknudsen@plaintiffllit.com)

***Attorneys for Plaintiffs Jennifer Strelow,  
DMD and Shokofeh Tabaraie DDS PLLC***

**HACKETT, BEECHER & HART**

By: s/ Brent W. Beecher  
Brent W. Beecher, WSBA #31095  
601 Union Street, Suite 2600  
Seattle, WA 98101  
Telephone: (206) 787-1830  
Email: [bbeecher@hackettbeecher.com](mailto:bbeecher@hackettbeecher.com)

***Attorneys for Seattle Bakery, LLC, CSQBKR2018,  
LLC, Piroshky Piroshky Bakery, LLC,  
Piroshky Baking Company, LLC, and  
SCRBKR2017, LLC***

**THE LOYD LAW FIRM, P.L.L.C.**

By: s/ Shannon Loyd  
Shannon Loyd  
12703 Spectrum Drive, Suite 201  
San Antonio, Texas 78249

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 7

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

Telephone:(210) 775-1424  
Facsimile:(210) 775-1410  
Email: [shannon@theloydlawfirm.com](mailto:shannon@theloydlawfirm.com)

*Attorneys for Plaintiff J Bells LLC*

**GORDON TILDEN THOMAS &  
CORDEL LLP**

By: s/ Mark A. Wilner  
By: s/ Franklin D. Cordell  
By: s/ Kasey D. Huebner  
Mark A. Wilner, WSBA #31550  
Franklin D. Cordell, WSBA #26392  
Kasey D. Huebner, WSBA #32890  
One Union Square  
600 University Street, Suite 2915  
Seattle, WA 98101  
Telephone: (206) 467-6477  
Fax: (206) 467-6292  
Email: [mwilner@gordontilden.com](mailto:mwilner@gordontilden.com)  
Email: [fcordell@gordontilden.com](mailto:fcordell@gordontilden.com)  
Email: [khuebner@gordontilden.com](mailto:khuebner@gordontilden.com)

*Attorneys for Plaintiffs Suneet Bath,  
Noskenda Inc. and The Seattle Symphony  
Orchestra*

PLS.' UNOPPOSED MOTION TO FILE SINGLE OMNIBUS REPLY  
IN SUPPORT OF MOTION TO CERTIFY  
(Case Nos. 2:20-cv-00616-BJR; 2:20-cv-00809-BJR; 3:20-cv-05437-  
BJR; 2:20-cv-00627-BJR; 2:20-cv-00620-BJR; 2:20-cv-00597-BJR;  
2:20-cv-01176-BJR; 2:20-cv-00661-BJR; 2:21-cv-00050-BJR)- 8

**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384